

Remarks

Claims 1, 4 and 7 have been amended to correct an obvious typographical error (to replace “1or” with “1 or” in the definition of “m”); as well as to clarify that, in the alternative, “an agriculturally acceptable salt” of a compound of Formula I is claimed. In addition, claim 1 has been slightly reformatted to more clearly identify the three provisos contained at the end of such claim. Therefore, no new matter has been added as a consequence of this amendment.

Pursuant to the outstanding Office Action, claims 1, 4 and 7 stand rejected under 35 USC 112, second paragraph, as being indefinite. In addition, Claim 1 stands rejected under 35 USC 102(b) as being anticipated by Meyer et al. These rejections are respectfully traversed and reconsideration requested in light of the present amendments and the arguments provided below.

Claims 1, 4 and 7 stand rejected under 35 USC 112, second paragraph on the basis that: A) the definition of “m” is indefinite; and B) that the phrase “and agriculturally acceptable salts” is indefinite. Applicants have amended such claims to correct an obvious typographical error in the definition of “m”; and to specify that “or an agriculturally acceptable salt is claimed”. In view of such amendments, it is submitted that such claims are in compliance with the requirements of 35 USC 112, second paragraph.

Claim 1 stands rejected under 35 USC 102(b) as being anticipated by compounds 23 and 45 of Meyer et al. In this regard, it is noted that:

- a) In both of such compounds the atom corresponding to Radical “X” of Formula I of the present claimed compounds is sulfur;
- b) In claim 1, the only conditions pursuant to which R and R⁵ may be taken together with –CH₂CH₂– to form a piperzaine ring are those set forth in proviso III; and
- c) Pursuant to proviso III, X must be –CH– or –N– (i.e., X is not –S–).

Consequently, compounds 23 and 45 of Meyer et al are not within the scope of claim 1; and therefore claim 1 is not anticipated by such publication.

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In light of the foregoing, it is urged that the present claims are now in form for allowance. Reconsideration and withdrawal of the rejections of such claims are therefore respectfully requested.

Respectfully submitted,

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